



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

158

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/065,156

09/23/2002

George M. Vodin

4865

31424

7590

10/01/2004

BABCOCK IP LLC
24154 LAKESIDE DRIVE
LAKE ZURICH, IL 60047

EXAMINER

PHAM, LAM P

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/065,156

Applicant(s)

VODIN, GEORGE M.

Examiner

Lam P Pham

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-11,14,15 and 20 is/are rejected.
- 7) ☒ Claim(s) 3,12,13 and 16-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2 rejected under 35 U.S.C. 102(b) as being anticipated by **Wilk** (US 5,544,651).

Regarding claim 1, Wilk discloses a device for remote monitoring of a user, comprising:

an operating module (172) configured to be removably attachable to the user via straps (202 and 204);

a sensor array (164, 166) configured to monitor at least one physiological parameter of the user; and

a drug delivery module (190) containing a drug, controlled by the operating module, the operating module receiving an input representative of the at least one physiological parameter of the user from the sensor array; whereby upon receiving the input beyond a desired value, the operating module activates the drug delivery module to deliver the drug to the user; see figures 10-11; col. 2, lines 10-67 and col. 3, lines 1-15; col. 9, lines 50-67 and col. 10, lines 1-67.

Regarding claim 2, Wilk discloses the device further including a radio transceiver (receiver 206 and transmitter 188); see col. 10, lines 59-67.

Art Unit: 2636

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-7 rejected under 35 U.S.C. 103(a) as being unpatentable over Wilk in view of Taylor, Jr. (US 6,160,481).

Regarding claim 4, Wilk fails to disclose the sensor array is configured to detect at least one of an unauthorized removal from the user and an attempted deactivation of the operating module. However, Taylor Jr. in monitoring system teaches of using a band attaching about a limb or leg or arm or waist for monitoring a person behavior having a tamper detecting means for detecting an unauthorized removal from the user and an attempted deactivation of an operating module as seen in Figures 1-2; col. 7, lines 16-45. In view of Taylor teaching, it would have been obvious to one of ordinary skilled in the art to use the tampered detection means of Taylor in the monitoring device of Wilk in order to sense or detect unauthorized removal or deactivation of the device.

Regarding claim 5, Wilk fails to disclose the device further including an electrical shock module, the electrical shock module operable to deliver an electrical shock to the user. However, Taylor, Jr. in monitoring device teaches of using electrical shock module (Figure 12) in addition to a medication or drug-delivering module (Figure 11) for sedating or tranquilizing or incapacitating a monitoring person as seen at least in col. 15, lines 32-67 and col. 16, lines 1-39. In view of Taylor teaching, it would have been

Art Unit: 2636

obvious to one of ordinary skilled in the art at the time the invention was made to implement an electrical shock module in the device of Wilk in order to deliver the shock to the user for tranquilizing or incapacitating a monitored person.

Regarding claim 6, Wilk fails to disclose the drug is selected with a desired dose for immobilizing the user. Taylor discloses the drug is used for immobilizing, sedating or tranquilizing a monitored person as seen in col. 15, lines 41-44 and col. 16, lines 36-39. Thus, it would have been obvious to one of ordinary skilled in the art to use a desired dose of drug as taught by Taylor for immobilizing a monitoring person.

Regarding claim 7, Wilk fails to disclose the drug contains one of sodium pentothal, propofol, mexo hetatol, etomidate and ketamine. Depending on a particular application including controlling a user or treating a person by tranquilizing or stabilizing, one of ordinary skilled in the art would use a drug containing one of sodium pentothal, propofol, mexo hetatol, etomidate and ketamine for the desired purpose.

5. Claims 8-11, 14-15, 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Wilk in view of Taylor, Jr. (US 6,512,456).

Regarding claim 8, Wilk discloses a system for remote monitoring of a user, comprising:

a waistband removably attachable to the user;

the waistband having a sensor array (164, 166) configured to monitor at least one physiological parameter of the user, a drug delivery module (190) containing a drug, an operating module (172) receiving an input representative of the at least one

Art Unit: 2636

physiological parameter of the user from the sensor array and transmitting it via a first radio transceiver (transmitter 188 and receiver 206); and

a console (remote monitoring facility) in wireless communication with the waistband, the console having a second radio transceiver in a communications link with the first radio transceiver as seen in Figures 10-11; col. 9, lines 50-67; col. 10; col. 11, lines 24-49.

However, Wilk fails to disclose the console receiving the at least one physiological parameter of the user and the console having an alarm initiated if the physiological parameter of the user exceeds a desired value and an operator input at the console is operable to activate the drug delivery module, delivering the drug to the user.

Taylor, Jr. in mobile medical monitoring device teaches of receiving at least one physiological parameter of the user at remote console (oversight authority 24) and comparing it to a predetermined threshold to determine a medical crisis exists in order to activate a medical intervention unit (100) including a drug module or shock module to deliver the drug or shock to a user and initiating an alarm to notify emergency personnel as seen in Figures 1-5; col. 5, lines 45-67; col. 6, lines 1-67; col. 7, lines 1-3 and 26-61. It would have been obvious that an operator input required at the oversight authority in order to supervise and direct the medical intervention via medical intervention unit (100).

In view of Taylor, Jr. teaching, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to have the console receiving at

Art Unit: 2636

least one of physiological parameter and initiating an alarm signal notifying emergency personnel and having an operator input to activate the drug delivery module for delivering the drug to the user if the physiological parameter exceeds a threshold value.

Wilk still fails to disclose the armband instead of the waistband. Since Wilk disclose a similar medical treatment device having straps for attaching the device casing about a patient's wrist, waist or some other limb as seen in figure 19, col. 13, lines 25- 43. It would have been obvious to one of ordinary skilled in the art to realize the waistband with straps can be used as an armband by adjusting the straps as desired.

Regarding claim 9, Wilk and Taylor disclose the armband is a plurality of armbands, each of the plurality of armbands removably attached to a different user being monitored in a hospital or moving within an operating range.

Regarding claim 10, Wilk and Taylor disclose each of the plurality of armbands has a unique identifier for identifying a user and the communications link is a plurality of communications links between each of the plurality of armbands and the console as seen in col. 10, lines 21-28 of Wilk and col. 10, lines 45-51 of Taylor.

Regarding claim 11, Wilk and Taylor disclose the medical treatment devices and the remote facility communicate wirelessly, thus, it would have been obvious to one of ordinary skilled in the art to recognize that the system would include at least one radio gateway.

Regarding claim 14, Wilk discloses the plurality of armbands is attached to occupants of a restricted space such as patients in a hospital.

Regarding claim 15, Wilk and Taylor combined teaching disclose a method for monitoring a user, comprising the steps of:

attaching an armband to the user; the armband having an operating module receiving at least one input from a sensor array configured to monitor at least one physiological parameter of the user; and a drug delivery module containing a drug, controlled by the operating module;

activating a communications link between the armband and a console, the console receiving data from the armband representing the at least one physiological parameter of the user;

initiating an alarm at the console if the at least one physiological parameter has a pre-selected value; transmitting a signal from the console to the armband, the signal activating the drug delivery module to deliver the drug to the user; see claim 8 for explanation.

Regarding claim 20, Wilk and Taylor fail to expressly disclose further including the step of determining a desired drug dosage for the user prior to attaching the armband. However, it would have been obvious to one of ordinary skilled in the art to realize the problem of overdose and side effects caused by a drug, therefore, the step of determining a desired drug dosage prior to attaching the armband to a user is a must performed step.

Art Unit: 2636

Allowable Subject Matter

6. Claims 3, 12, 13, 16, 17, 18, 19 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Willoughby et al. (US 4943885) disclose remotely activated prisoner control.

Jacobsen et al. (US 6198394) disclose system for remote monitoring of personnel.

Levitas et al. (US 6053887) disclose a medical treatment device.

Hoffman et al. (US 6624754) disclose a personal security and tracking system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lam P Pham whose telephone number is 571-272-2977. The examiner can normally be reached on 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery A Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lam Pham

September 28, 2004



JEFFERY HOFSSASS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600